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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,289	07/31/2000	Brian D. Crites	203993	5622

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LEYDIG VOIT & MAYER, LTD
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EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/629,289

Applicant(s)

CRITES ET AL.

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 2/9/2004.
2. Claims 1-42 have been examined and are pending in the application.

Allowable Subject Matter

3. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 30-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- (i) "the application" (line 8 claim 30).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-6, 8-11, 15-18, 23, 25-26, 28-30, 34 and 36-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Foltan U.S Patent No. 6.667,972.

As to claim 1, Foltan teaches a computer readable medium having computer-executable instructions for performing the steps of:

commanding (command messages are sent from the host 260 to the module 250, lines 34-35 column 22; SESSION_SETUP_CMD command instruct a module to launch a service and assign a data queue to that service, lines 13-15 and 33-56 column 25) an object (module 250, line 6 column 9) to set a first data type (TDM DSO data, line 7 column 9) on an input (the module includes an interface for transferring a plurality of streams of data into and out of the module having at least one port capable of transferring incoming and outgoing streams of multiplexed data, lines 58-62 column 3) of the object;

commanding (command messages are sent from the host 260 to the module 250, lines 34-35 column 22) the object to set a second data type (packet data, line 7 column 9) on an output (port capable of transferring incoming and outgoing streams of multiplexed data, lines 58-62 column 3) of the object;

commanding the object to process data (command messages are sent from the host 260 to the module 250, lines 34-35 column 22; SESSION_START_CMD command

begin to process data, lines 24-37 column 26) of the first type received at the input of the object;

commanding (command messages are sent from the host 260 to the module 250, lines 34-35 column 22) the object to generate output data of the second type (generate packet data on the output, lines 6-11 column 9; transferring a plurality of streams of data into and out of the module, lines 58-62 column 3) at the output of the object

As to claim 4, Foltan further teaches input and output data types are streaming media types (incoming and outgoing streams of multiplexed data, lines 58-62 column 3; modem data, facsimile data, video data, voice data, etc., lines 10-11 column 9).

As to claim 5, Foltan further teaches input and output streaming media types are streaming audio media types (voice data, lines 10-11 column 9).

As to claim 6, Foltan further teaches input and output streaming media types are streaming video media types (video data, lines 10-11 column 9).

As to claim 8, Foltan further teaches querying the object for a minimum input buffer size required (host 260 query the module 250 to identify the service capabilities, applications, and protocols that the module 250 supports such as queue sizes and data buffer memory allocated, lines 3-7 column 14; indicates information to the host 260 concerning what module services 340 are offered and what queues and buffers will be required to support those services, lines 37-40 column 14).

As to claim 9, Foltan further teaches querying the object for a minimum output buffer size required (host 260 query the module 250 to identify the service capabilities,

applications, and protocols that the module 250 supports such as queue sizes and data buffer memory allocated, lines 3-7 column 14; indicates information to the host 260 concerning what module services 340 are offered and what queues and buffers will be required to support those services, lines 37-40 column 14).

As to claim 10, Foltan further teaches determining the first data type that the object can process on the input and the second data type that the object can support on the output (determine the services and capabilities of the module 250, the host 260 can most efficiently configure itself and the module 250 for data transfer based upon the types of services supported within the module 250, lines 53-58 column 7).

As to claim 11, Foltan further teaches informing the object that the data is discontinuous on the input (SESSION_STOP_CMD command used to stop the exchange of in-band data between a TDM Transmit or Receive stream 331, 332 and the host 260, after the service 340 stops, it transitions to the FLUSHING state and no further data processing occurs, lines 20-24 column 25).

As to claim 15, it is a computer readable medium claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Foltan further teaches the commands are from an application (command messages are sent from the host 260 to the module 250, lines 34-35 column 22).

As to claims 16-18, they are computer readable medium claims of claims 4-6, respectively. Therefore, they are rejected for the same reasons as claims 4-6 above.

As to claim 23, Foltan further teaches enumerating types of data that are supported in response to a query (module responses that can be used to allow the host

260 to determine the services 340 offered by the modules 250, lines 34-36 column 20) from the application.

As to claim 25, Foltan further teaches setting a buffer flag (filed flag, line 1 column 16) in response to a query to provide information about an input data stream (host 260 query the module 250 to identify the service capabilities, applications, and protocols that the module 250 supports such as queue sizes and data buffer memory allocated, lines 3-7 column 14), the buffer flag indicating that a plurality of input buffers may be held (line 59 column 15 to line 5 column 16).

As to claim 26, Foltan further teaches setting a lookahead value indicating a maximum size of data held by the object and providing the value to the application (indicates information to the host 260 concerning what module services 340 are offered and what queues and buffers will be required to support those services, lines 37-40 column 14) in response to a command from the application to provide buffer size requirements for the input data stream (host 260 query the module 250 to identify the service capabilities, applications, and protocols that the module 250 supports such as queue sizes and data buffer memory allocated, lines 3-7 column 14)

As to claim 28, Foltan further teaches registering an existence with an operating system (under control of the Internetworking Operating System processing, lines 27-28 column 14).

As to claim 29, Foltan further teaches identifying a class ID (message having a unique identification number, lines 29-30 column 32); a category (any operation that affects a communications session independent of the services operating on data within

that session falls into the category of being controlled via a session message, lines 10-14 column 22); whether a use is keyed (lines 14-34 column 4); a number of input and output data types to register (the service processing unit 330 obtains and processes the data from shared memory 264 according to the service for the data type of the received data, lines 33-36 column 13); the input and output data types (data conversion process used depends upon the data type such as modem data, facsimile data, video data, voice data, etc, lines 6-11 column 9).

As to claim 30, it is a method claim of claim 15. Therefore, it is rejected for the same reasons as claim 15 above.

As to claim 34, it is a method claim of claims 10 and 23. Therefore, it is rejected for the same reasons as claims 10 and 23 above.

As to claim 36, it is a method claim of claims 10 and 25. Therefore, it is rejected for the same reasons as claims 10 and 25 above.

As to claim 36, it is a method claim of claims 8-9 and 26. Therefore, it is rejected for the same reasons as claims 8-9 and 26 above.

As to claim 38, it is a system claim of claim 15. Therefore, it is rejected for the same reasons as claim 15 above.

As to claim 39, it is a system claim of claims 10 and 23. Therefore, it is rejected for the same reasons as claims 10 and 23 above.

As to claim 40, it is a system claim of claims 8-9. Therefore, it is rejected for the same reasons as claims 8-9 above.

As to claim 41, it is a system claim of claim 10. Therefore, it is rejected for the same reasons as claim 10 above.

As to claim 42, it is a system claim of claims 8-10 and 23. Therefore, it is rejected for the same reasons as claims 8-10 and 23 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 7, 12-14, 19-22, 24, 31-33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foltan in view of Maas U.S Patent No. 6,092,128.

As to claim 2, Foltan does not teach the use of flags. Maas teaches the use of flags (status flags, lines 11-17 column 3) to control the flow of input and output streaming data in a data transmission environment. It would have been obvious to apply the teachings of Maas to the system of Foltan because the flag controls the flow of data between the sources, therefore preventing overflow and underflow of data as disclosed by Maas (line 60 column 3 to line 61 column 4).

As to claim 3, Foltan as modified further teaches commanding the object to generate output data (generate packet data on the output, lines 6-11 column 9;

transferring a plurality of streams of data into and out of the module, lines 58-62 column 3).

As to claim 7, it is a computer readable medium claim of claims 2-3. Therefore, it is rejected for the same reasons as claims 2-3 above.

As to claim 12, it is a computer readable medium claim of claims 2-3, 8 and 10. Therefore, it is rejected for the same reasons as claims 2-3, 8 and 10 above.

As to claim 13, it is a computer readable medium claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 14, it is a computer readable medium claim of claims 2-3. Therefore, it is rejected for the same reasons as claims 2-3 above.

As to claims 19-20, they are computer readable medium claims of claims 2-3, respectively. Therefore, they are rejected for the same reasons as claims 2-3 above.

As to claims 21-22, they are computer readable medium claims of claims 8 and 2, respectively. Therefore, they are rejected for the same reasons as claims 8 and 2 above.

As to claim 24, it is a computer readable medium claim of claims 2 and 11. Therefore, it is rejected for the same reasons as claims 2 and 11 above.

As to claims 31-32, they are method claims of claims 2-3, respectively. Therefore, they are rejected for the same reasons as claims 2-3 above.

As to claim 33, it is a method claim of claims 1 and 2. Therefore, it is rejected for the same reasons as claims 1 and 2 above.

As to claim 35, it is a method claim of claims 2 and 11. Therefore, it is rejected for the same reasons as claims 2 and 11 above.

Response to Arguments

7. Applicant's arguments filed have been fully considered but are moot in view of the new ground(s) rejection.

Applicant's arguments presented issues which required the Examiner to further view the previous rejection. The Examiner conducted a further search regarding the issues mentioned in Applicant's response. Therefore, all arguments regarding the cited references of the previous rejection are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

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Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH
April 16, 2004

A handwritten signature in black ink, appearing to read 'Meng-Al T. An', with a long horizontal flourish extending to the right.

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100